United Nations A/C.5/55/L.16

General Assembly

Distr.: Limited
11 December 2000

Original: English

Fifty-fifth session
Fifth Committee
Agenda item 128
Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Draft resolution submitted by the Chairman following informal consultations

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Taking note of the report of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,[1] the related report of the Advisory Committee on Administrative and Budgetary Questions,[2] and the oral statement made by the Chairman of the Advisory Committee before the Fifth Committee at its 35th meeting, on 6 December 2000,[3]

[1] A/55/512 and Corr.1 and Add.1.
[2] A/55/643.
[3] See A/C.5/55/SR.35.

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Recalling its resolution 49/251 of 20 July 1995 on the financing of the Tribunal and its subsequent resolutions thereon, the latest of which were resolutions 54/240 A of 23 December 1999 and 54/240 B of 15 June 2000,

Taking note of the report of the Secretary-General on the budget performance of the Tribunal for 1999[1] and the comments of the Advisory Committee thereon,[2]

Also taking note of Security Council resolution 1329 (2000) of 30 November 2000 concerning the election of two judges of the International Tribunal for Rwanda and the assignment of two of the judges elected or appointed in accordance with article 12 of the statute of the International Tribunal for Rwanda to be members of the Appeals Chambers of the International Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia,

1. *Endorses* the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provisions of the present resolution;

2. *Decides* that the budget of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 shall be biennialized, on an experimental basis, for the period 2002-2003, decides to keep the matter of the biennialization under review, and requests the Secretary-General to report to the General Assembly at its fifty-eighth session on the results of the experiment and the impact on the functioning of the Tribunal;

3. *Notes with satisfaction* that the benefits of this provisional reform could include the use of two-year employment contracts at the Tribunal;

4. *Welcomes* recent improvements in the functioning of the Tribunal and encourages continued efforts to address areas where improvement is needed;

5. *Requests* the Secretary-General to provide in his proposed budget, with the involvement of all organs of the Tribunal, workload data for the budget period so as to give more justification for its resource requirements, and also requests the Secretary-General to include in his budget presentation information on budget requirements, including targets for recruitment, training, judicial scheduling and performance standards for support activities;

6. *Welcomes* the actions taken so far to address the issue of dilatory motions and pleadings which have the effect of lengthening trial proceedings, and encourages the Tribunal to take further measures to improve monitoring and oversight of defence counsel;

7. *Endorses* the recommendation of the Advisory Committee that the judicial activities of the Tribunal should have priority over public relations activities and attendance at external meetings;

8. *Endorses* the recommendation of the Advisory Committee in paragraph 23 of its report,[2] and requests the Secretary-General to undertake a study, with the involvement of the Tribunal, to indicate whether it is possible to state the likely date

[1] A/55/622.

or dates for the completion of the mandate of the Tribunal, and to report thereon in the context of the next proposed budget;

9. *Requests* the Secretary-General to submit to the General Assembly at its fifty-sixth session a report on the likely long-term financial obligations of the United Nations with regard to the enforcement of sentences;

10. *Approves* the budgetary recommendations of the Advisory Committee as contained in paragraph 66 of its report[2] and the additional budgetary recommendations of the Committee arising from Security Council resolution 1329 (2000), as presented orally by the Chairman of the Advisory Committee to the Fifth Committee at its 35th meeting;

11. *Decides* to appropriate to the Special Account for the International Tribunal for Rwanda a total amount of 93,974,800 United States dollars gross (85,607,600 dollars net) for the year 2001;

12. *Decides also* that the financing of the appropriation for the year 2001 under the Special Account shall take into account the actual unencumbered balance of 2,937,000 dollars gross (1,988,700 dollars net) as at the end of 1999, and the estimated unencumbered balance of 2 million dollars gross (1,816,000 dollars net) which was taken into account in resolution 54/240 A, as well as the amount of 2,667,000 dollars gross (2,667,000 dollars net), being the interest and other miscellaneous income recorded for the biennium 1998-1999, which shall be set off against the aggregate amount of the appropriation, as detailed in the annex to the present resolution;

13. *Decides further* that the financing of the appropriation for the year 2001 under the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 shall also take into account an amount of 4,237,100 dollars gross (3,851,900 dollars net), being the estimated unencumbered balance as at the end of 2000, which shall also be set off against the aggregate amount of the appropriation, as detailed in the annex to the present resolution;

14. *Decides* to apportion the amount of 43,066,850 dollars gross (39,458,000 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2001;

15. *Decides also* to apportion the amount of 43,066,850 dollars gross (39,458,000 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 2001;

16. *Decides further* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 14 and 15 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 7,217,700 dollars approved for the Tribunal for 2001.

Annex

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	Gross	*Net*
	(United States dollars)	
Proposed budget for 2001 (A/55/512)	95 056 600	86 616 600
Add:		
Additional requirements arising from Security Council resolution 1329 (2000) (see A/55/512/Add.1)	654 300	628 900
Total proposed budget for 2001	95 710 900	87 245 500
Less:		
Advisory Committee recommendations (A/55/643)	(1 536 100)	(1 437 900)
Additional Advisory Committee recommendations as presented orally by the Chairman of the Advisory Committee to the Fifth Committee at its 35th meeting on 6 December 2000	(200 000)	(200 000)
Estimated appropriation	93 974 800	85 607 600
Add:		
Estimated unencumbered balance for 1998-1999 that was taken into account and reduced from the assessment for 2000 (see resolution 54/240 A)	2 000 000	1 816 000
Less:		
Actual unencumbered balance for the biennium 1998-1999 as at 31 December 1999	(2 937 000)	(1 988 700)
Interest and other miscellaneous income for 1998-1999 as at 31 December 1999	(2 667 000)	(2 667 000)
Estimated unencumbered balance from the 2000 appropriation as at end 2000	(4 237 100)	(3 851 900)
Balance to be assessed for 2001	86 133 700	78 916 000
Of which:		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2001	43 066 850	39 458 000
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for 2001	43 066 850	39 458 000